THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

Writ Petition No.16810 of 2005

Dated 02-08-2005

Between:

K.Abdul Hameed, S/o K.Mohammed Hussain,

Aged 50 years, Occ:Business, R/o H.No.1-270,

Gi, 1 Town Area, Kurnool. .. Petitioner.

And

Mandal Revenue Officer, Kurnool, Kurnool District

And another ..Respondents.

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Writ Petition No.16810 of 2005

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ORDER:

The writ petition is filed to issue Writ of *Mandamus* declaring the action of the second respondent in directing the first respondent to recover the arrears of rent from the petitioner under the R.R. Act as illegal, arbitrary and against the clause 17 of the agreement dated 10-08-2000 and consequently to direct the second respondent to drop the recovery of arrears of rent under R.R. Act by referring the same to the arbitrator as per the Clause 17 of the said agreement.

It is submitted that as per Clause 17 of the lease deed entered into between the petitioner and the second respondent, any dispute arising between the parties of the lease deed with respect of any matter under the agreement or touching upon the meaning construction or interpretation of any of the clauses in the lease deed, shall be referred to arbitrator or such person as may be appointed by the Director of Marketing, Andhra Pradesh, Hyderabad.

Having regard to the above, Writ Petition is not maintainable and the same is accordingly dismissed. It is needless to mention that petitioner can approach the Director of Marketing, Andhra Pradesh, Hyderabad, regarding appointment of the Arbitrator under clause 17 of the Lease Deed. No costs.

E.DHARMA RAO, J.

2nd August 2005.

skmr